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EXAMINER

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/494,924
Filing Date: February 01, 2000
Appellant(s): PHILYAW ET AL.

For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed June 20, 2007 appealing from the Office action mailed May 18, 2006.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The following are the related appeals, interferences, and judicial proceedings known to the examiner which may be related to, directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal:

Related appeals are listed in the appellant's brief.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is substantially correct. The changes are as follows: the grounds of rejection as set forth

in the final rejection by the examiner are Hudetz et al. in view of Ogasawara and Simonoff et al. not Hudetz et al. in view of Ogasawara and further in view of Simonoff et al. as the appellant states in the brief.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,978,773	HUDETZ et al.	11-1999
6,577,861	OGASAWARA	6-2003
6,078,321	SIMONOFF et al.	6-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 22-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hudetz et al. in view of Ogasawara and Simonoff et al.

Regarding claim 22, Hudetz et al. disclose providing an input device (28, 44, i.e., computer and barcode reader) at the first location on the global communication network having associated therewith a unique input device ID (the address of every computer is notoriously well known to be transmitted by a PC to a server); notwithstanding, *since applicant admits that the computer (28) does indeed have its own address then, because the computer also has an input device (44), then the computer is read as an input device having an input ID.* Hudetz et al. further disclose scanning a product code disposed on a product with the input device (col. 11 lines 31-32), which product code is representative of the product in commercial transactions, the step of scanning operable to extract the information contained in the product code to provide a unique value as an output is read as the numeric address encoded in bar code. Hudetz et al. also disclose in response to the step of scanning and the step of associating, connecting the first location to the second location (col. 11 lines 4-10, once the unique value, i.e., the numeric address encoded in the bar code is extracted, it is associated by the service provider with the first location computer.)

Hudetz et al. fail to disclose the input device ID permanently associated with the input device and independent of the first location.

Ogasawara discloses such a permanently associated ID telephone number (col. 10 lines 1-41).

It would be obvious to modify the method of Hudetz et al. to include such an ID, as taught by Ogasawara, because it would allow the input device to be free of a base station.

Additionally, Hudetz et al. fail to disclose the unique ID is associated with a message packet.

Simonoff et al. disclose (col. 11 lines 13-68) disclosed a unique ID which is commonly associated with a message (value) between different locations.

It would further be obvious to modify the aforesaid combination to include the unique ID commonly associated with a value between two locations, as taught by Simonoff et al., the motivation being the ability to communicate between differently designed systems.

In addition to this, Ogasawara discloses (col. 10 lines 43-46) that each message coming from a wireless telephone (18) is associated with the customer's telephone number, customer ID or some other unique identifier.

It would be obvious to include a unique ID associated with a message in the method of Hudetz et al., as taught by Ogasawara, because this would insure that the message packet would be routed to the assigned device through whatever route is possible.

Regarding claims 23, 24, 25, and 27, Hudetz et al. disclose in response to the step of scanning and the step of associating, accessing a database having stored therein a plurality of unique values for a plurality of products, each associated with routing information over the global communication network to one of the plurality of second locations (see database, 60, all records having UPC fields, col. 8 lines 47-67, and col. 9 lines 1-5); *whether the URL is* loaded as a function of user intervention or not is still readable on claim 23 as there is no claim limitation stating otherwise. Also, Ogasawara discloses using the device phone number to reference the user in a database. Re: comparing the output unique value with the stored unique values in the database; and if a match exists between the output unique value and any of the stored unique values; Official notice is taken with respect to the old and notorious use of comparing two values in a binary system to determine if a match exists); Re: retrieving from the database the associated routing information to the second location, and connecting the first location with the second location on the global communication network in accordance with the retrieved routing information; Hudetz et al. disclose (col. 11 lines 4-10) that once the unique value, i.e., the numeric address encoded in the bar code, is extracted, it is associated by the service provider with the first location computer.

Regarding claim 26, Hudetz et al. disclose accessing a remote location on the global communication network at an intermediate node thereon, forwarding the unique value and unique device ID to the intermediate node (col. 11 lines 6-7, remote server 128 is an intermediate node). Regarding the limitations the database is disposed at the

intermediate node; retrieving the associated routing information from the database in the event of a positive match and forwarding the retrieved routing information back to the first location and connecting the first location to the second location in accordance with the retrieved information; where the database is located is not considered to be of any patentable weight given that the speed of the internet and the ability of data to travel on it at great speeds regardless of location makes this limitation obvious.

Furthermore, official notice is taken with respect to the notoriously well-known practice of locating data files remotely. Notwithstanding Hudetz et al. (col. 7 lines 57-64) suggest that the database (60) be disposed in a number of locations including one that is intermediately disposed.

(10) Response to Argument

The appellant argues that the examiner has improperly applied the combination of the Hudetz, Osasawara, and Simonoff references in the rejection of claims 22-27 and that the examiner has not provided a *prima facie* case in the rejection of the claims under U.S.C 103. In particular, the appellant argues (p. 7 of brief) that the examiner does not provide a proper motivation for combining the prior art references, that the references do not constitute analogous art, and that all of the claimed limitations are not shown by the references.

The examiner disagrees and stands by the rejection. In the rejection above, each claimed limitation is clearly addressed and when prior art is used to show the claimed limitation the relevant location in the reference is provided. Furthermore, clear

motivation is provided for combining the teachings of different references in each instance of combination in the rejection above. Lastly, in the examiner's view, the Hudetz, Osasawara, and Simonoff references do constitute analogous art. The Hudetz patent (classified in 705/23) discloses a system in which a local input device (barcode scanner and computer) is used to scan a product code to identify a product and access a remote database to gather information on the product using the product ID. The Ogasawara patent (cross referenced in 705/26) discloses a system in which a local input device (barcode scanner and wireless phone) is used to scan a product code to identify a product, to access a remote server to gather information on the product using the product ID, and to purchase the product. The Simonoff patent (classified in 345/335) discloses a method for connecting and operating two different computers with varying architectures that are connected by a network, wherein messages are sent between the computers along with a unique ID. In the examiner's view, the above mentioned references and the instant invention are related to a common topic, i.e., connecting two geographically separated computers and sending data between them, thus the prior art references constitute analogous art with the instant invention.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Christopher R Buchanan/

Christopher Buchanan

Conferees:



/F. Ryan Zeender/
Supervisory Patent Examiner, Art Unit 3627

Michael Cuff

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